

1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 26 February 1992

(Minister for Primary Industries and Energy)

A BILL

FOR

An Act to impose a charge on the export of deer velvet

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Deer Velvet Export Charge Act 1992*.

5 **Commencement**

2. This Act commences on 1 July 1992.

Main object of Act

3. The main object of this Act is to raise funds for research and development in relation to the deer industry.

10 **Act binds the Crown**

4. This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

Interpretation

5.(1) In this Act, unless the contrary intention appears:

“Collection Act” means the *Primary Industries Levies and Charges Collection Act 1991*;

“deer velvet” means the developing antler of deer together with its cutaneous covering, harvested as living tissue; 5

“representative industry organisation” means the organisation known, at the time this Act commences, as the Deer Farmers Federation of Australia, or such other organisation as is specified in the regulations.

(2) Unless the contrary intention appears, a word or expression has the same meaning in this Act as it has in the Collection Act. 10

Imposition of charge

6.(1) Subject to subsection (2), a charge is imposed on deer velvet produced in Australia (whether before or after the commencement of this Act) that is exported from Australia after the commencement of this Act. 15

(2) No charge is imposed by this Act on deer velvet on which levy has already been imposed by the *Deer Velvet Levy Act 1992*.

Rate of charge on export of deer velvet

7.(1) The rate of charge imposed under section 6 on deer velvet is: 20

- (a) the percentage of the declared value of the deer velvet that is specified in the regulations; or
- (b) if no percentage is specified in the regulations—5% of the declared value of the deer velvet.

(2) For the purposes of subsection (1), the declared value of a quantity of deer velvet is the value of the velvet described in the bill of lading, or similar document of title, facilitating the export of the deer velvet. 25

(3) If the Secretary reasonably believes that the declared value of a quantity of deer velvet ascertained under subsection (2) is not fair and reasonable: 30

- (a) subject to subsection (4), the Secretary may determine a value that, in the Secretary’s opinion, is a fair and reasonable value for the deer velvet; and
- (b) the value so determined is the declared value of the deer velvet for the purposes of calculation of charge imposed by this Act. 35

[Note: A determination by the Secretary of the declared value of deer velvet exported from Australia is reviewable under section 28 of the Collection Act.]

(4) For the purposes of determining the value of deer velvet under paragraph (3)(a), the Secretary must have regard only to the following:

- (a) the quantity of the deer velvet;
- (b) the quality of the deer velvet; 40

(c) the price for deer velvet of that quality:

(i) published by, or by authority of, the organisation known, at the time this Act commences, as the Deer Farmers Federation of Australia; and

5 (ii) applicable at the time the deer velvet is exported;

(d) the matters (if any) specified in the regulations.

(5) For the purposes of paragraph (1)(a), the percentage specified in the regulations must not exceed 7% of the declared value of the deer velvet.

10 **Delegation by Secretary**

8. The Secretary may delegate the power to determine the declared value of deer velvet to an officer of the Australian Public Service.

Who pays the charge

9. Charge imposed by this Act is payable by the producer.

[Note: Deer velvet is a product prescribed for the purposes of paragraph (g) of the definition of "producer" in subsection 4(1) of the Collection Act. This means that the person who exports the deer velvet from Australia is the producer.]

15 **Regulations**

10.(1) The Governor-General may make regulations prescribing matters required or permitted by this Act to be prescribed.

20 (2) Before making a regulation specifying a percentage for the purposes of paragraph 7(1)(a), the Governor-General is to consider any recommendations on the percentage made to the Minister by any representative industry organisation.



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